

Sep 10, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

JAZZLYNN JEAN JOHNSON (1),  
BRYON CODY TELLIER (2),  
STEPHEN JAMES JOHNSON, JR. (3),

Defendants.

No. 2:20-CR-0053-WFN

ORDER

A pretrial conference and motion hearing was held September 10, 2020. Defendant J. Johnson (1) was present, not in custody, and represented by Molly Winston; Defendant Tellier (2) was present in custody and represented by Zachary Ayers; ; Defendant S. Johnson (3) was present in custody and represented by Stephen Hormel; Assistant United States Attorney Patrick Cashman represented the Government.

The Court addressed pending pretrial Motions to Sever agreeing that severance for the purpose of trial is necessary. The Court granted Ms. Johnson's oral motion to continue and extended Mr. Johnson's trial date within his speedy trial time to accommodate scheduling issues. The Government estimates a four-day trial for each Defendant. The parties anticipate that Mr. Tellier's case will resolve short of trial. The Court has reviewed the file and Motions and is fully informed. This Order is entered to memorialize and supplement the oral rulings of the Court. Accordingly,

**IT IS ORDERED** that:

1. Defendants' Motions to Sever Defendant from Co-Defendants for Trial, filed August 13 and 14, 2020, **ECF Nos. 102 and 103**, are **GRANTED**.

2. Defendant J. Johnson's (1) oral motion for a trial continuance is **GRANTED**.

1 The Court finds that the ends of justice served by the granting of a continuance of  
2 the trial in this matter outweigh the best interests of the public and Defendant J. Johnson (1)  
3 in a speedy trial. A trial date of October 5, 2020, would unreasonably deny Defendant the  
4 opportunity to review discovery, file appropriate pretrial motions, investigate the charges  
5 against her, and to benefit from effective assistance of counsel, taking into account the  
6 exercise of due diligence. 18 U.S.C. § 3161(h)(7).

7 3. The trial date of October 5, 2020, is **CONFIRMED** for Defendant Tellier (2).  
8 The October 5, 2020 trial date for the remaining Defendants is **STRICKEN and RESET**  
9 **as follows:**

10 (a) Ms. J. Johnson's (1) trial shall be held **November 16, 2020, at 1:00 p.m., in**  
11 **Spokane, Washington.**

12 (b) Mr. S. Johnson's (3) trial shall be held **October 19, 2020, at 1:00 p.m., in**  
13 **Spokane, Washington.** The new trial date is within Defendant S. Johnson's (3) speedy trial  
14 time.

15 4. All time from the trial date of October 5, 2020, to the new November 16, 2020  
16 trial date for Ms. J. Johnson (1) is **EXCLUDED** for speedy trial calculations pursuant to  
17 18 U.S.C. § 3161(h)(7). Defendant J. Johnson (1) executed a waiver of speedy trial  
18 rights.

19 5. The **October 5, 2020**, final pretrial conference is **CONFIRMED as to Defendant**  
20 **Tellier (2).** As for Defendants J. and S. Johnson, the October 5, 2020, final pretrial  
21 conference is **STRICKEN and RESET as follows:**

22 (a) Ms. J. Johnson's (1) final pretrial conference shall be held **November 16,**  
23 **2020, at 11:00 a.m., in Spokane, Washington.**

24 (b) Mr. S. Johnson's (3) final pretrial conference shall be held **October 19, 2020,**  
25 **at 11:00 a.m., in Spokane, Washington.**

26 6. Trial briefs, motions in limine, requested voir dire and a set of proposed **JOINT**  
27 **JURY INSTRUCTIONS** shall be filed and served on or no later **than 14 days prior to the**  
28 **trial date.**

Jury instructions should only address issues that are unique to this case and shall include instructions regarding the elements of each claim, any necessary definitions, and a proposed verdict form.

The Joint Proposed Jury Instructions shall include:

(a) The instructions on which the parties agree; and

(b) Copies of instructions that are disputed (i.e., a copy of each party's proposed version of an instruction upon which they do not agree). All jury instructions from the most current edition of the Ninth Circuit Manual of Model Jury Instructions may be proposed by number. The submission of the Joint Proposed Jury Instructions will satisfy the requirements of LR 51.1(c).

Each party shall address any objections they have to instructions proposed by any other party in a memorandum. The parties shall identify the specific portion of any proposed instruction to which they object and shall elaborate the basis for the objection. Objections asserting that an instruction sets forth an incorrect statement of law shall describe the legal authority that supports this objection. Failure to file an objection and supporting argument may be construed as consent to the adoption of an instruction proposed by another party.

7. The parties are requested to submit courtesy copies of witness and exhibit lists to the Court no later than **12:00 noon the Monday before trial**.

8. Additional pretrial conferences shall be held as follows:

(a) Ms. J. Johnson's (1) pretrial conference shall be held **October 27, 2020, at 10:00 a.m., in Spokane, Washington**.

i) All additional motions shall be filed and served no later than **October 2, 2020**.

ii) Responses shall be filed and served no later than **October 9, 2020**.

(b) Mr. S. Johnson's (3) pretrial conference shall be held **September 30, 2020, at 9:30 a.m., in Spokane, Washington**.

1 9. Indigent Defendant's requests for issuance of subpoenas and payment of costs and  
2 fees for trial witnesses shall be filed no later than ten days before trial, excluding weekends  
3 and holidays.

4 The District Court Executive is directed to file this Order and provide copies to  
5 counsel.

6 **DATED** this 10th day of September, 2020.

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9 WM. FREMMING NIELSEN  
10 SENIOR UNITED STATES DISTRICT JUDGE

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